

### REMARKS

Applicant respectfully requests reconsideration. Claims 1-41 were previously pending in this application. Claim 1, 5 and 9 have been amended. Dependent claims 42-104 have been added. No new matter has been added. Claims 1-104 are now pending for examination.

#### Rejection of Claims Under 35 U.S.C. §112

Claims 1-15 and 19 were rejected under 35 U.S.C. §112 second paragraph as being indefinite. The Office Action raises a clarity objection in connection with the term "ideal lattice constant" recited in claims 1 and 9. It is unclear why claim 19 was rejected on this ground since that claim does not recite the term "ideal lattice constant". Without acceding to the correctness of this rejection, Applicant has amended claims 1 and 9 to address this rejection.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

#### Double Patenting

Claims 1-9, 13, 15-20 and 25-41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-90 of U.S. Patent No. 6,831,302. Claims 10-12 and 21-24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-90 of U.S. Patent No. 6,831,302 in view of U.S. Patent Publication No. 2003/0209714 (Taskar).

Without acceding to the correctness of these rejections, Applicant is filing a Terminal Disclaimer.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

#### New Claims

Claims 42-104 are being added. Each of these claims depend from a claim which is patentable for reasons noted above. Accordingly, the new claims are also patentable for at least these reasons.

Dated: February 9, 2006

Respectfully submitted,

By 

Robert H. Walat, Reg. No. 46,324  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
(617) 646-8000